



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/748,968

12/29/2003

Douglas Tarr

PAYS0001

2705

22862 7590 02/08/2007
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,968

Applicant(s)

TARR ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-31,33-78 and 80-110 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-31,33-78 and 80-110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action in response to communications received 11/16/2006. Claims 1-2, 4, 10, 13, 15, 30-31, 33, 39, 42, 63-64, 80, 92, 95-96 have been amended. Claims 1-2, 4-31, 33-78, and 80-110 are pending in this application.

Response to Arguments

2. Examiner notes that Applicant has not presented any arguments that refer to specific claims or claim limitations or point out how the language of the claims patentably distinguishes from the references. Therefore, has updated her rejection based on Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) under 35 U.S.C 103 in view of the current amendments.

Examiner further notes that the amendments with regards to claim 1 do not specifically overcome the issues discussed in the interview of 11/14/2006. Claim 1, element 1, recites "regardless of the sequence", which causes the order of the question presentation to not effect the method (thus the questions can be ordered or not ordered for the same outcome). Further, element 3 is still recited in the alternative, where if it is determined that an affinity group does exist, the otherwise will not occur. This is true for each of the other independent claims as well.

Claim Objections

3. Claim 2 is objected to because of the following informalities: typographical error. Claim 2 recites "at lease" which should more appropriately be at least. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3623

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 4 recite the limitation "said collection". There is insufficient antecedent basis for this limitation in the claim. Clarification is required. For examination purposes, "said collection" is construed as said segment of said sequence.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-31, 33-78, and 80-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015).

As per claim 1, Williams et al. teaches a computer-implemented method for surveying a user with a tailored sequence of questions, comprising the steps of:

presenting a segment of the sequence of questions to said user, the user answers to said segment determining, regardless of the sequence of the presented questions, an affinity of said user to at least **one** or more affinity groups, wherein each affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is

Art Unit: 3623

matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions). The order of the questions does not matter, so they can occur in any ordering to meet the limitation of the claim);

creating a profile for said user if a profile does not exist for said user, otherwise accessing an existing profile for said user, and adding to the profile for said user based on said user's answers to said segment (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a user during an interview process, this data outlining and summarizing the data associated with the user so that it can be passed on to a client/employer. The user may be new to the system or a person trying again, and thus already known in the system);

determining if a corresponding affinity group exists for said user profile and, if so, associating said user profile with at least **one** or more affinity groups based on said user's profile questions and corresponding answers, regardless of the order in which questions were presented (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions);

presenting a particular subsequent segment of said sequence of questions to said user, the selection of said subsequent segment to be influenced by a particular affinity group **or** combination of affinity groups to which said user profile is associated by said method (See figure 3, column 2, line 65-column 3, line 10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein subsequent sets of questions are asked of the user based on his/her association with profiles of groups in the system);

Art Unit: 3623

repeating the steps above until all possible questions of said sequence of questions have been presented to and answered by said user (See figures 2-4, column 2, line 65-column 3, line 10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein all possible questions for all possible jobs are presented and answered);

at least one the questions being pertinent to at least one of compensation, benefits, wages, and economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports).

However, Williams et al. does not expressly disclose that said user profile is comprised of said questions and corresponding answers or storing said user profile.

Turnasella discloses that said user profile is comprised of a sequence of questions and corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the profile information gained in Williams et al. along with the questions that elicited the data in order to more accurately track the user's interactions with the system by maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate information and track the candidate.

Further, as for the limitation “if so [...], otherwise creating at least one new affinity group, including said user profile with each other [...]”, Williams et al. teaches the situation where affinity groups do exist. As currently recited, this limitation is recited in the alternative, and thus is not required in cases where the methodology does have appropriate existing affinity groups.

As per claim 2, Williams et al. teaches wherein said at least one question is comprised of a set comprising at least one question group that forms a logical grouping of questions (See column 7, lines 5-25, 40-50, column 8, lines 10-30, wherein sets of questions are grouped together and presented in predefined sequences. See also column 10, lines 45-60). However, Williams et al. does not expressly grouping of question fields into a single record.

Turasella teaches grouping question fields into a single record (See paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein the questions are grouped into a record).

Both Williams et al. and Turasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Williams et al. specifically discloses sets of questions logically grouped together. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store these question fields into a single record in order to more efficiently manage the routing of questions and presentation to the user.

As per claim 4, Williams et al. discloses wherein said at least one particular subsequent segment of said questions is presented at least with regard to a defined relation to said at least one question that was presented prior to said subsequent (See figure 3, column 2, line 65-column 3, line 10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein subsequent

Art Unit: 3623

questions are presented based on predefined relationships to first set of questions and associated answers).

As per claims 5-7, Williams et al. does not expressly disclose and Turnasella discloses wherein said at least one corresponding answer comprises an open text (See at least figures 9 and 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein text is entered) and wherein said open text allows said user to add a new answer value for said at least one corresponding answer, wherein said new answer is used as one of said respective answers when said at least one question is subsequently posed to a second user (at least 0055, wherein the new answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Williams et al. discloses an interface for collecting answers to a questions in order to determine if a candidate is qualified for a position. Using open-text questions and fields is well known in computer interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use open text boxes in order to more accurately evaluate a candidate for a job position by having more information with which to validate the candidate's qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a candidate by matching the candidates answers to a task description.

As per claim 8, Williams et al. teaches wherein a question comprises at least two possible answers (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein different answers are received for the questions).

Art Unit: 3623

As per claim 9, Williams et al. teaches wherein said user may select more than one answer to said question (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein the user may enter multiple skills/qualifications or multiple locations, etc.).

As per claim 10, Williams et al. teaches wherein said at least two possible answers are presented because of at least a defined relation to said at least one question (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein the user may enter multiple skills/qualifications or multiple locations, etc.).

As per claim 11, Williams et al. teaches wherein said method further comprises the step of: filtering said user's profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set of predefined criteria (See column 2, line 35-50, column 4, lines 10-19, column 5, lines 55-67, column 8, lines 25-45, wherein the user's profile is sorted by the system using predefined criteria stored in the system).

As per claim 12, Williams et al. discloses wherein said filtering step is performed in at least one of real-time; and batch mode (See column 8, lines 25-45, wherein the user is sorted upon completion of the questions).

As per claim 13, Williams et al. discloses wherein said filtering step further comprises the step of: modifying an answer to said question based on at least consistency with answers of said particular affinity group or combination of affinity groups (See column 7, lines 5-25, wherein the user modifies an answer).

As per claim 14, Williams et al. teaches wherein said modification comprises at least consistency with answers of said affinity group (See column 7, lines 5-25, wherein the user modifies an answer based on omission of said answer).

Art Unit: 3623

As per claims 15-17, discloses a method further comprising the steps of periodically creating a new affinity group and associating at least one user to said new affinity group and a user creating a new affinity group and associating matching user profiles with said new affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed).

As per claim 18, Williams et al. teaches a method further comprising the step of: providing a report (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein a client/employer is given a report of potential hires).

As per claim 19, Williams disclose a method wherein generation of said report is constrained by at least a reporting goal (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 20, Williams et al. teaches a method wherein said goal comprises at least a profile attribute value (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the

Art Unit: 3623

data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 21, Williams et al. teaches a method further comprising the step of: weighting said constraints to provide a match score (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50).

As per claim 22, Williams et al. teaches said step of providing said report comprising the step of matching between at least a matchfield of said goal and a corresponding matchfield of at least one of: an affinity group; and a user profile (See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein the user profile is matched to the goal and a report is provided to the client/employer if the user matches) and generating a match score (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored).

As per claim 23, Williams et al. teaches a method further comprising the step of determining at least one best match from a plurality of possible matches (See column 2, lines 60-column 3, line 10, column 8, lines 28-40, column 5, line 65-column 6, line 5, column 8, lines 40-45, wherein best matches are determined).

As per claim 24, Williams et al. discloses a method further comprising the step of: arranging matches by order of match score, said order being grouped to at least two levels of matches, based on said score (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored. The user is either considered a best match and ranked or is considered not suited for the position).

As per claim 25, Williams et al. discloses said step of matching further comprising the step of: providing an aggregated score for said matching step; and weighting the importance of

Art Unit: 3623

including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50).

As per claim 26, Williams et al. discloses said step of matching further comprising the step of: classifying each match score as one of: deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the score reflects is the user satisfies the criteria and thus the score determines that the user is hireable).

As per claim 27, Williams et al. teaches a method wherein said goal is a personal goal, wherein the personal goal is a result of a plurality of user inputs pertaining to personal aspirations (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45).

As per claim 28, Williams et al. teaches wherein aggregated information comprises statistical information (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

As per claim 29 Williams et al. teaches wherein a report comprises: resulting from a personal goal a comparison of a user having said user profile to at an affinity group (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is compared to an affinity group).

Claims 30-46 recite equivalent limitations to claims 1-17, respectively, and are rejected using the same art and rationale as applied above.

As per claim 47, Williams et al. teaches wherein said affinity group comprises at least profession and geographic location (See figure 3 and column 7, lines 5-25, wherein the group is associated with a geographic location).

Art Unit: 3623

As per claim 48, Williams et al. teaches the step of: providing a compensation report (See column 4, lines 60-65, and column 10, lines 10-20, wherein a compensation report is provided that reflects costs and benefits).

As per claim 49, Williams et al. teaches said compensation report is constrained by a reporting goal (See column 4, lines 60-65, and column 10, lines 10-40, wherein the report is constrained by factors set forth by the employer/client).

As per claim 51, Williams et al. teaches said goal comprising at least a desired compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

Claims 50, 52-57, 59, and 61 recite equivalent limitations to claims 21, 22-27, 28, and 29, respectively, and are rejected using the same art and rationale as applied above.

As per claim 58, Williams et al. teaches said personal goal comprising at least compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 60, Williams et al. teaches wherein statistical information comprises at least average compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 62, Williams et al. teaches wherein said compensation comprises at salary (See column 10, lines 5-35, wherein average salary is considered). However, Williams et al. does not disclose that this is annual salary.

Turnasella teaches annual salary (See paragraphs 0049 and 0050 and figure 9, which discloses such salary information).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Representing salaries in terms of per year is well known in the labor industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use annual salary for the salary data in order to more consistently measure compensation using terms used by most employers.

As per claim 63, Williams et al. teaches an apparatus for compensation surveying and reporting by presenting a tailored series of questions to a user, comprising:

means for accessing the system via a network, wherein the network is the Internet (See column 2, lines 50-60, column 5, lines 40-55, which disclose the Internet).

means for surveying the user for information pertinent for determination of employment, said means for surveying presenting a plurality of questions from a collection of questions to said user and the user answers to said plurality of questions from a collection being used to make a determination of an affinity of said user to one or more affinity groups wherein each affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

salary levels per job position (See column 10, lines 10-35);

means for creating a user profile for said user if a profile does not exist for a said user, otherwise accessing an existing profile for said user and adding said plurality of questions from a

Art Unit: 3623

collection and corresponding answers to said user profile (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a user during an interview process, this data outlining and summarizing the data associated with the user so that it can be passed on to a client/employer. Since Williams et al. teaches the situation where the profile is created, the otherwise portion of this limitation is not required functionally, since it is recited in the alternative);

means for determining if a corresponding affinity group exists for said user profile and if so associating said user profile with one or more affinity groups, based on said user's profile (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions);

the questions being pertinent to at least one of compensation, benefits, wages, and economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports).

However, Williams et al. does not expressly disclose a Web site being accessed, determination of compensation based on the job position, that said user profile is comprised of said questions and corresponding answers, or storing said user profile.

Turnasella discloses a Website accessed via a network (See at least figures 1 and 17 and paragraphs 0006, 0029-0031, 0048, 0055, and 0057), determination of compensation (See at least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a group of users with similar backgrounds to determine compensation), and that said user profile is comprised of said sequence of questions and corresponding answers and

Art Unit: 3623

storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Specifically, Williams et al. presents a sequence of questions to a user to collect data about the user and associate the user with groups based on this data. The group with which the user matches allows the user to be hired for a position. Williams et al. also discloses the system being implemented on the internet. A website is a well-known interface on the Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a website and to store the profile information gained in Williams et al. along with the questions that elicited the data in order to more efficiently and accurately track the user's interactions with the system by maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate information and track the candidate. It would have been further obvious to one of ordinary skill in the art at the time of the invention to associate the job position of Williams et al. with compensation in order to more accurately inform the user of the job position, thus allowing the user to continue with the process based on complete information. See column 7, lines 35-50, of Williams, wherein the user determines if he/she is interested in pursuing a position based on the job description.

Further, as for the limitation “otherwise creating at least one new affinity group [...]”, Williams et al. teaches the situation where affinity groups do exist. As currently recited, this limitation is recited in the alternative, and thus is not required in cases where the methodology does have appropriate existing affinity groups.

As per claim 64, Williams et al. teaches means for presenting at least one particular subsequent question from said collection of questions to said user, the selection of said at least one subsequent question being influenced and dynamically determined by at least one affinity group with which said user profile is associated (See figure 3, column 2, line 65-column 3, line 10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein subsequent questions are presented based on predefined relationships to first set of questions and associated answers. See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions).

As per claim 65, Williams et al. teaches an apparatus wherein said network comprising at least the Internet (See column 2, lines 50-60, column 3, lines 25-30, column 5, lines 40-50).

As per claim 66, Williams et al. teaches an apparatus further comprising: means for reporting results based on a reporting goal (See column 8, lines 25-50, wherein the best candidates are reported).

As per claim 69, Williams et al. teaches said reporting goal comprises total compensation calculations (See column 4, lines 60-65, and column 10, lines 10-46, wherein a compensation report is provided that reflects costs and benefits).

Claims 67, 68, 70, 71, 72 73, 77, 78, and 80 recite equivalent limitations to claims 22, 26, 47, 62, 27, 58, 28, 60, and 8, respectively, and are rejected using the same art and rationale as applied above.

As per claims 74 and 75, Williams teaches an external or a personal goal in connection with said user profile (See column 2, lines 20-30, 50-65, column 7, lines 35-60, column 8, lines 5-15 and 25-50, wherein the user desires a job position in which he/she is intersted). However, Williams et al. does not expressly disclose that the personal goal or external goal comprise likes of said user.

Williams et al. discloses a system wherein a user answers questions in an effort to obtain a employment position in which he/she is interested. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the position of interest of Williams et al. selected to be pursued would be associated with likes of the user in order to more accurately match a specific user to a job he/she would be good at and stick with. See column 10, lines 5-15, wherein the system is concerned with turnover rates.

As per claim 76, Williams et al. wherein said reporting goal provides aggregated information pertaining to a plurality of user profiles (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 81, Williams et al. teaches wherein said possible answers are a subset of a plurality of answers, wherein said subset being selected at least in respect of at an affinity group

Art Unit: 3623

associated with said user profile (See column 7, lines 5-25, 40-50, column 8, lines 10-30, and column 10, lines 45-60, wherein answers received are a subset of answers that are possible to be received, wherein answers are associated with the group).

As per claim 82, Williams et al. teaches wherein said user may select at least one answer to said question (See column 7, lines 5-32 and 45-60, column 8, lines 10-40, wherein the user answers questions).

Claims 83-85 recite equivalent limitations to claims 5-7, respectively, and are therefore rejected using the same art and rationale as applied in the rejections of claims 5-7, respectively.

As per claim 86, Williams et al. teaches wherein a subsequent question is selected for presentation to said user from a plurality of possible questions (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein a set of questions is presented from various sets stored in the system).

As per claim 87, Williams et al. discloses wherein said selection from a plurality of possible question is tailored to correspond with said user profile (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein the set of questions is presented based on user information).

As per claim 88, Williams et al. teaches wherein upon selection of an answer by said user, said user profile is associated with an affinity group (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein answers, such as location, phone number, answers to qualification questions, associate the user with groups similar to the user).

Art Unit: 3623

As per claims 89-90, Williams et al. does not expressly disclose and Turnasella discloses enabling said user to add a new question and said user may add a new answer to said question (See at least 0055, wherein a new question and answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Williams et al. discloses an interface for collecting answers to a questions in order to determine if a candidate is qualified for a position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the questions and answers to be modified when a job position has different tasks and descriptions in order to more accurately evaluate a candidate for a job position by having proper information with which to validate the candidate's qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a candidate by matching the candidates answers to a task description.

As per claim 91, Williams et al. discloses wherein said affinity groups are created based on at least a commonality between at least one attribute and at least one corresponding value (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions).

As per claim 92, Williams et al. teaches a computer implemented method for surveying a user with a series of questions tailored to said user, comprising the steps of:

Presenting at least one question from a collection of questions to said user, the user answers to said at least one questions from a collection of questions determining, regardless of the order in which the questions are presented, an affinity of said user to an employment position

Art Unit: 3623

within one of more affinity groups, wherein each affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles.(for positions));

salary levels per job position (See column 10, lines 10-35);

receiving answers from said user (See column 2, lines 50-65, column 6, lines 30-35 and 50-60, column 7, lines 5-25, column 8, lines 15-30 and 40-50, wherein the user answers the questions);

determining if said corresponding affinity group exists for said user profile and if so associating said user profile with one or more existing matching affinity groups based on said users profile, regardless of the order in which the questions are presented (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed);

filtering said user profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set of predefined criteria (See column 5, lines 45-67, column 6, lines 1-5, 30-35, and 55-60, column 7, lines 5-25, wherein the profile is filtered through the stages concerning what profiles are acceptable and what profiles are not);

modifying an answer if it is inconsistent with at least said affinity group (See column 7, lines 5-25, wherein an answer may be changed if no group matches);

determining an appropriate next question from said collection of questions to be presented to said user, said appropriate question being dynamically determined based on at least a particular affinity group or combination of affinity groups to which said user is associated by said computer implemented method (See figures 3-4, column 7, lines 5-25, 30-50, column 8, lines 5-20 and 30-50, and column 10, lines 45-60, wherein the system asks tiers of questions); and

repeating the foregoing steps until a full profile is established (See figures 3-4, column 7, lines 5-25, 30-50, column 8, lines 5-20 and 30-50, and column 10, lines 45-60).

However, Williams et al. does not expressly disclose determination of compensation based on the job position, that said user profile is comprised of said questions and corresponding answers, or storing said user profile.

Turnasella discloses determination of compensation (See at least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a group of users with similar backgrounds to determine compensation), and that said user profile is comprised of said sequence of questions and corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Specifically, Williams et al. presents a sequence of questions to a user to collect data about the user and associate the user with groups based on this data. The group with which the user

Art Unit: 3623

matches allows the user to be hired for a position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the profile information gained in Williams et al. along with the questions that elicited the data in order to more efficiently and accurately track the user's interactions with the system by maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate information and track the candidate. It would have been further obvious to one of ordinary skill in the art at the time of the invention to associate the job position of Williams et al. with compensation in order to more accurately inform the user of the job position, thus allowing the user to continue with the process based on complete information. See column 7, lines 35-50, of Williams, wherein the user determines if he/she is interested in pursuing a position based on the job description.

Further, as for the limitation "otherwise creating at least one new affinity group [...]", Williams et al. teaches the situation where affinity groups do exist. As currently recited, this limitation is recited in the alternative, and thus is not required in cases where the methodology does have appropriate existing affinity groups.

As per claim 93, Williams et al. teaches a method further comprising the steps of: at least periodically checking all user profiles; and attempting to generate an affinity group, wherein said affinity group comprises at least a user profile (See column 8, lines 30-50, wherein a best match group is created).

As per claim 97, Williams et al. discloses a method further comprising the step of: querying any of a database of a plurality of user profiles and a database of a plurality of affinity

Art Unit: 3623

groups for a statistical report (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

Claims 94, 96, and 98 recite equivalent limitations to claims 19, 10, and 60, respectively, and are therefore rejected using the same art and rationale as applied above.

As per claim 95, the step of optionally filtering is not positively recited and therefore would not occur in the methodology of the claims. Therefore, it has received no patentable weight.

As per claim 99, Williams et al. teaches the step of: generating said statistical report with at least one of said attributes held constant (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

Claims 100-102, 103-108, 109, and 110 recite equivalent limitations to claims 19-21, 23-28, 60, and 29, respectively, and are rejected using the same art and rationale as applied above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3623

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lwd

bvd

February 2, 2007

Beth Van Doren
AU 3623
Patent Examiner